

-Jaw

Docket No.: 1349.1350



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Deuk-hwan CHANG

Serial No. 10/772,287

Group Art Unit: 3653

Confirmation No. 4955

Filed: February 6, 2004

Examiner: Thomas A. Morrison

For: AN APPARATUS TO FEED PAPER IN AN IMAGE FORMING DEVICE

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed January 24, 2005, having a period for response set to expire on February 24, 2005, regarding which the following remarks are respectfully submitted.

I. Provisional Election of Claims Pursuant to 37 C.F.R. §1.142

Applicants provisionally elect **Species I**, which is drawn to an apparatus to feed paper in an image forming device shown in figures 2-4 in response to the preliminary restriction requirement set forth in the Office Action. As such, Applicants elect claims 1-5, 7-18 and 21-39, which are generic or drawn to Species I.

II. Applicants Traverse the Requirement

Insofar as Species II is concerned, it is believed that claims 6, 19 and 20 (shown in figure 5) are so closely related to elected claims 1-5, 7-18 and 21-39 (shown in figures 2-4) that they should remain in the same application. The elected claims 1-5, 7-18 and 21-39 are directed to an apparatus to feed paper in an image forming device and claims 6, 19 and 20 are also drawn to an apparatus for feeding paper in an image forming device. There have been no references cited to show any necessity for requiring restriction and, in fact, it is believed that the Examiner would find references containing both species of claims in the same field of technology. Further,

the Examiner has not identified different classifications for the claims, and Applicants respectfully submit that evaluation of all claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to Applicants in having to protect the additional subject matter recited by claims 6, 19 and 20 by filing a divisional application.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions. (A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and (B) indicates that there must be a serious burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)- §806.04(i), §808.01(a) and §808.02). The Examiner has not set forth why there would be a serious burden if restriction is required.

Even if the Examiner considers claims 1-5, 7-18 and 21-39 to be a separate invention from claims 6, 19 and 20, the Applicants respectfully request the Examiner to consider all the claims together.

III. Conclusion

Upon review of references involved in this field of technology, when considering that claims 6, 19 and 20 and elected claims 1-5, 7-18 and 21-39 are directed to an apparatus to feed paper in an image forming device, and when all of the other various facts are taken into consideration, it is believed that upon reconsideration of the Examiner's initial restriction requirement, all of the pending claims should be examined in the subject application.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.

If any further fees are required in connection with the filing of this Amendment, please charge the same to our deposit account number 19-3935. Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 2-18-05

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